IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.114 OF 2006

ALONG WITH

CIVIL APPLICATION NO.130 OF 2006

Vijay Manohar Desai ...Appellant

Versus

The State of Maharashtra & Ors. ...Respondents

.....

Mr.M.R.Yadav for Appellant.

Mr.R.S.Khadapkar, A.G.P. for Respondents.

.....

**CORAM: A.M.KHANWILKAR, J.**

**FEBRUARY 15, 2006.**

**P.C.**

1. Heard Counsel for the parties.

2. I see no reason to interfere with the view expressed by the Court below in rejecting the request for dispensing with notice under Section 80 of the Civil Procedure Code. In the present case, it is not the argument of the Appellant that no

license was required to be obtained by the Appellant before starting the activity of displaying the video film in his theatre.

3. As the Appellant concedes the position that license is prerequisite for conducting such business, in this view, question of dispensing the notice under Section 80 of the Code does not arise. As in law, he cannot carry on the activity of the kind referred to in the notice. Hence, dismissed.

A.M.KHANWILKAR, J.